

Amanda E. Heitz (Bar No. 026519)  
Sarah A. Brunswick (Bar No. 038432)  
**BOWMAN AND BROOKE LLP**  
Suite 1600, Phoenix Plaza  
2901 North Central Avenue  
Phoenix, AZ 85012-2761  
Telephone: (602) 643-2300  
Facsimile: (602) 248-0947  
[amanda.heizt@bowmanandbrooke.com](mailto:amanda.heizt@bowmanandbrooke.com)  
[sarah.brunswick@bowmanandbrooke.com](mailto:sarah.brunswick@bowmanandbrooke.com)  
Minute Entries: [mme@phx.bowmanandbrooke.com](mailto:mme@phx.bowmanandbrooke.com)

Christopher Renzulli (*pro hac vice* to be submitted)  
Jeffrey M. Malsch (*pro hac vice* to be submitted)  
Scott C. Allan (*pro hac vice* to be submitted)  
**RENZULLI LAW FIRM, LLP**  
One North Broadway, Suite 1005  
White Plains, NY 10601  
Telephone: (914) 285-0700  
Facsimile: (914) 285-1213  
[crenzulli@renzullilaw.com](mailto:crenzulli@renzullilaw.com)  
[jmalsch@renzullilaw.com](mailto:jmalsch@renzullilaw.com)  
[sallan@renzullilaw.com](mailto:sallan@renzullilaw.com)

Attorneys for Petitioner Chambered Custom Firearms, LLC  
and John Lamontagne

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Chambered Custom Firearms, LLC and John  
Lamontagne,

Petitioners,

vs.

Kristina Babcock, Director of Industry  
Operations for the ATF's Phoenix Field  
Division,

Respondent.

**PETITION FOR DE NOVO REVIEW  
OF THE DENIAL OF AN  
APPLICATION FOR A FEDERAL  
FIREARMS LICENSE PURSUANT  
TO 18 U.S.C. § 923(f)(3)**

1. This Petition is brought by Chambered Custom Firearms, LLC ("Chambered Custom") and John Lamontagne, seeking a de novo review of a Final Notice of Denial of Application, Revocation, Suspension and/or Fine of Firearms License issued by the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") on January 5, 2024 ("Final Notice of Denial") denying Chambered Custom's application for a federal firearms license ("FFL"). Chambered Custom meets the requirements set forth in the Gun Control Act ("GCA") for the

1 issuance of an FFL and the ATF was therefore not authorized to issue the Final Notice of Denial.

2 **PARTIES**

3 2. Petitioner Chambered Custom is an Arizona limited liability company in good  
4 standing with its principal place of business located at 520 North Bullard, Suite 37, Goodyear,  
5 AZ 85335.

6 3. John Lamontagne is a citizen of the State of Arizona and the organizer and sole  
7 member of Chambered Custom.

8 4. Respondent, Kristina Babcock, is the Director of Industry Operations (“DIO”) for  
9 the ATF’s Phoenix Field Division, located at 40 North Central Avenue, Suite 1000, Phoenix,  
10 AZ 85004.

11 **JURISDICTION**

12 5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 and 18  
13 U.S.C. § 923(f)(3), which authorizes de novo review of the Final Notice of Denial.

14 6. Chambered Custom has exhausted all of its administrative remedies pursuant to  
15 18 U.S.C. § 923(f)(2) and 27 C.F.R. § 478.74, et al.

16 **FACTUAL BACKGROUND**

17 7. Chambered Custom was organized as an Arizona limited liability company on  
18 February 23, 2023.

19 8. John Lamontagne is the sole member of Chambered Custom.

20 9. John Lamontagne submitted an application on behalf of Chambered Custom in  
21 February 2023 for an FFL, for its premises located at 520 North Bullard, Suite 37, Goodyear,  
22 AZ 85335.

23 10. John Lamontagne is the sole responsible person identified on Chambered  
24 Custom’s application for an FFL.

25 11. Chambered Custom meets all of the requirements set forth in 18 U.S.C. §  
26 923(d)(1) as a result of which the GCA states that the Attorney General, acting through the ATF  
27 shall approve the application for an FFL.

28 12. John Lamontagne is not prohibited from transporting, shipping, or receiving

1 firearms or ammunition in interstate or foreign commerce pursuant to 18 U.S.C. §§ 922(g) and  
2 (n).

3 13. Despite the fact that Chambered Custom and its responsible person, John  
4 Lamontagne, meet the requirements for the issuance of an FFL and the GCA requires the ATF  
5 to issue an FFL, Respondent issued a Notice to Deny Application for License dated August 10,  
6 2023 (“Notice to Deny”).

7 14. Chambered Custom timely requested a hearing in response to the Notice to Deny.

8 15. After conducting a hearing, Respondent issued the Final Notice of Denial that is  
9 the subject of this petition for de novo review.

10 16. This petition is being filed within sixty days of receipt of the Final Notice of Denial  
11 as required by 18 U.S.C. § 923(f)(3).

12 17. The Final Notice of Denial claims that Chambered Custom’s application for an  
13 FFL was properly denied because its sole responsible person, John Lamontagne, had been a  
14 responsible person on an FFL previously held by another entity, Chambered Group USA, LLC  
15 (“Chambered Group”), whose FFL had previously been revoked for a willful violation of the  
16 GCA.

17 18. The violations of the GCA for which Chambered Group’s FFL had been revoked  
18 had all occurred prior to the organization of Chambered Custom.

19 19. John Lamontagne did not personally commit any of the violations of the GCA for  
20 which Chambered Group’s FFL was revoked.

21 20. The Final Notice of Denial claims that Chambered Custom is “not qualified to  
22 receive a license under 18 U.S.C. § 923(d)(1)(C)” solely because John Lamontagne was a  
23 responsible person on Chambered Group’s FFL at the time it violated the GCA.

24 21. 18 U.S.C. § 923(d)(1)(C) states that “Any application submitted under subsection  
25 (a) or (b) of this section shall be approved if . . . the applicant has not willfully violated any of  
26 the provisions of this chapter or regulations issued thereunder . . . .” (Emphasis added).

27 22. The applicant for an FFL is Chambered Custom, which has not willfully violated  
28 the GCA and did not even exist at the time Chambered Group was found to have violated the

1 GCA.

2 23. There is no support in the GCA for Respondent's conclusion that Chambered  
3 Custom is not qualified to receive an FFL just because its responsible person had been a  
4 responsible person on the FFL for different legal entity whose FFL had been revoked for  
5 violating the GCA.

6 24. The GCA only authorizes the denial of an application for an FFL by a legal entity,  
7 such as a limited liability company, based on the identity of its responsible person if such person  
8 is prohibited from transporting, shipping, or receiving firearms or ammunition in interstate or  
9 foreign commerce pursuant to 18 U.S.C. §§ 922(g) and (n).

10 WHEREFORE, Petitioners respectfully pray that this Honorable Court:

11 (A) reverse the Final Notice of Denial and hold that Respondent was required to  
12 approve Chambered Custom's application for an FFL pursuant to 18 U.S.C. §  
13 923(d);

14 (B) order the ATF to issue an FFL to Chambered Custom; and

15 (C) grant such other relief as it deems just and proper.

16 DATED this 11th day of March, 2024.

17 **BOWMAN AND BROOKE LLP**

18 By: /s/ Sarah A. Brunswick  
19 Amanda E. Heitz  
Sarah A. Brunswick

20 and

21 **RENZULLI LAW FIRM, LLP**

22 Christopher Renzulli (*pro hac vice* to be submitted)  
23 Jeffrey M. Malsch (*pro hac vice* to be submitted)  
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24 Attorneys for Petitioners Chambered Custom  
25 Firearms, LLC and John Lamontagne  
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